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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	HIR-0037

	Application Number	Filed
	10/578,000-Conf. #5200	May 3, 2006
	First Named Inventor	
	Shizuo Manabe	

	Art Unit	Examiner
	2628	J. C. Wang

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number _____ 40,290/47,255 _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____
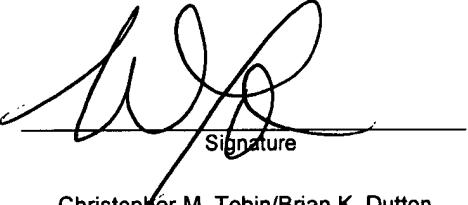
Christopher M. Tobin/Brian K. Dutton
Typed or printed name

(202) 955-3750
Telephone number

September 4, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of ___1___ forms are submitted.

1

Docket No.: HIR-0037
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shizuo Manabe

Application No.: 10/578,000   Confirmation No.: 5200

Filed: May 3, 2006   Art Unit: 2628

For: OPTIMUM CHARACTER STRING PLACING   Examiner: J. C. Wang
      PROGRAM

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in full and timely response to the Office Action dated March 4, 2009.

Rejection of claims 1 and 4-10 under 35 U.S.C. §101 - The Office Action refers to *In re Bilski* in the rejection of claims 1 and 4-10 under 35 U.S.C. §101 (Office Action at page 8).

In response, the ***machine-or-transformation test***, properly applied, is the governing test for determining patent eligibility of *__a process__* under §101. *In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008). The Office Action *__fails__* to show claims 1 and 4-10 as being a process.

Accordingly, reference to *In re Bilski* in the rejection of claims 1 and 4-10 is *__improper__*.

Japanese Application No. 08-167039 (Kobari) – The machine translation of Kobari in paragraph [0015] arguably discloses that:

[0015]Next, as shown in drawing 3, *__inclination of a character string is__* determined about each polygon. As for 4, in drawing 3, a polygon circumscribed quadrangle and 6 are

character string existence quadrangles a polygon and 5. Determination of inclination is performed as follows.

The machine translation of Kobari in paragraph [0017] arguably discloses that:

[0017](4a) The actual breadth of the character string *circumscribed quadrangle 6* in the middle point of the lengthwise direction of the circumscribed quadrangle 5 of a polygon should have more than a "character string width + threshold."

The machine translation of Kobari in paragraph [0018] arguably discloses that:

[0018](4b) the middle point of the *circumscribed quadrangle 6* of a character string -- the intersection of the middle point of the lengthwise direction of the circumscribed quadrangle 5 of a polygon, and the middle point of the actual breadth of the character string circumscribed quadrangle 6 -- inclination -- when it is level and you have arranged, full inclusion should be carried out at the polygon 4.

The machine translation of Kobari in paragraph [0025] arguably discloses that:

[0025](7c) If the arranged character string's existence *circumscribed quadrangle 6* is included by the polygon 4, it will be decided that it will be the position.

The machine translation of Kobari in paragraph [0028] arguably discloses that:

[0028]Although only inclusion relation was used for the inspection of the justification of a locating position in the above-mentioned explanation, it is possible to also perform the check of whether other elements overlap with the existence region of a character string. It becomes possible by *dividing a polygon* into plurality and considering it to also perform arrangement of two or more character strings to one polygon based on inclination used as a standard.

However, Kobari *fails* to disclose, teach, or suggest a placement to place a character string along a prospective guide line that is located at the center of prospective guide lines that are longer than the longest horizontal segment of the area of the character string.

U.S. Patent No. 6,868,524 (Fushiki) - Page 13 of the Office Action contends that Fushiki et al. discloses producing scan lines to determine string placement (Fig. 4a).

In response, the paragraph beginning at column 5, line 1, of Fushiki arguably discloses:

The transform of equation 1 is performed to set the scan interval used to generate a set of rectangles within the region. Specifically, when the GetRegionData API is used to build the text boxes, the API scans the region passed to it at fixed intervals along the y-coordinate. As such, if the height of the region is scaled down, the relative space between scans increases. Thus, by dividing the region's y-coordinate by the height of the text, Δh, equation 1 causes the scans to occur at locations along the region that were separated by a distance of Δh before the scaling transform was performed. Examples of the scan lines that would be produced along a scaled down region 300 are shown as *scan lines 302, 304, and 306* in *FIG. 4A*. Note that these scan lines represent the scans that would be produced if the y-coordinate of the region were only divided by Δh. The effects of multiplying the y-coordinate by n are discussed below.

The paragraph beginning at column 5, line 25, of Fushiki arguably discloses:

The value Δh is selected because used alone it causes GetRegionData to return a set of rectangles that can accommodate the text to be written to the region. For example, if a region were passed to GetRegionData after being scaled down by Δh, GetRegionData would return a set of rectangles like rectangle 308 of *FIG. 4A*. Because of the scaling, rectangle 308 has a height equal to the text height, Δh, and can be used directly to write text within the region.

The paragraph beginning at column 5, line 25, of Fushiki arguably discloses:

Under many embodiments of the present invention, the granularity factor, n, is added to the scaling function so that multiple scans are performed for each text box. Examples of these additional scans are shown as scans 310, 312, and 314 of FIG. 4B, which occur between *scans 302 and 304* of *FIG. 4A*. As discussed further below, these additional scans improve the accuracy of the text boxes and reduce the chances that part of the region's perimeter will intersect text written within the region.

However, Fushiki *fails* to disclose, teach, or suggest a placement to place a character string along a prospective guide line that is located at the center of prospective guide lines <u>that are longer than the longest horizontal segment of the area of the character string</u>.

U.S. Patent No. 5,724,072 (Freeman) – Page 14 of the Office Action contends that Freeman et al. discloses placing the label into the geographic center (Column 8, lines 21-40).

In response, the paragraph beginning at column 17, line 9, of Freeman arguably discloses that:

> A distance transform is the transformation of a raster representation of a region. Preferably, the distance transform is calculated in a distance transform skeleton array or "DTS array." After computing the distance transform, the value of each cell in the transformed region is the distance in the x and y directions, in number of cells, from the cell to the nearest region boundary. The minimum mount of space around any cell in the region is known, and hence the size of the region at that cell is also known. Since the distance transform is a function of the location of a cell given in terms of x and y, the distance transform can be plotted in the z-direction. The value of distance transform is then referred to in terms of a "height" above the x-y plane of the region. *FIG. 6a shows a three-dimensional view of the distance transform 60 of a region 62, with the distance transform represented as a height or distance above the x-y plane*. FIG. 6b shows a numeric representation of a distance transform 64 of a region 66.

The paragraph beginning at column 17, line 58, of Freeman arguably discloses that:

> Whereas the skeleton is a series of cells in an array as shown in FIG. 8 the skeleton graph 90, shown in FIG. 9 is a directed graph consisting of *vertices 92 (labeled as 1, 2, 3 and 4), edges 94, and points 96*. A point is one cell in the skeleton of the region. An edge consists of all points on the skeleton which are adjacent to each other in the eight-connected sense, and which have only two neighbors. Edges begin and end at vertices; therefore, vertices may either have one neighbor or three or more neighbors. Vertices which have three or more neighbors, such as vertex 2, are junctions in the skeleton where three or more edges intersect.

However, Freeman *fails* to disclose, teach, or suggest a placement to place a character string along a prospective guide line that is located at the center of prospective guide lines that are longer than the longest horizontal segment of the area of the character string.

Japanese Application No. 09-185696 (Yoshimura) – Page 21 of the Office Action contends that Yoshimura et al. discloses replacement placement [0118].

The machine translation of Yoshimura in paragraph [0118] arguably discloses that:

[0118](c) Use a character code and a registration dictionary as input data in string conversion processing string conversion processing. In this processing, it is judged whether the character string applicable to the keyword of a registration dictionary is contained in a character code. If there is a character string contained, the applicable character string part of a character code will be changed into the abbreviation of a registration dictionary, and the character code after conversion will be outputted.

However, Yoshimura *fails* to disclose, teach, or suggest a placement to place a character string along a prospective guide line that is located at the center of prospective guide lines that are longer than the longest horizontal segment of the area of the character string.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Dated: September 4, 2009   Respectfully submitted,
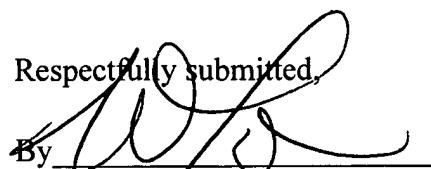
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5